

**Executive Summary – Enforcement Matter – Case No. 41753**  
**Alstom Power Inc.**  
**RN105768121**  
**Docket No. 2011-0871-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Amstar Zaka Road Facility, 9404 Zaka Road, Houston, Harris County

**Type of Operation:**

Metal coating facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 14, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$3,600

**Amount Deferred for Expedited Settlement:** \$720

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$2,880

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41753**

**Alstom Power Inc.**

**RN105768121**

**Docket No. 2011-0871-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 19, 2011

**Date(s) of NOE(s):** May 18, 2011

***Violation Information***

Failed to obtain permit authorization for a source of air emissions or satisfy the conditions of a Permit By Rule prior to the commencement of operations of a facility which emits air contaminants. Specifically, the Respondent operated a metal coating facility without authorization [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that on July 6, 2011, the Respondent obtained Permit By Rule registration number 96751 to authorize emissions at the Site.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Allison Fischer, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2574; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Michael Seitz, Business Unit Manager, Alstom Power Inc., 9404 Zaka Road, Houston, Texas 77064

Olen Johnson, Director of Business Systems, Alstom Power Inc., 9404 Zaka Road, Houston, Texas 77064

**Respondent's Attorney:** N/A

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 23-May-2011 | <b>Screening</b> | 31-May-2011 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 1-Aug-2011  |                  |             |                |  |

| RESPONDENT/FACILITY INFORMATION |                   |
|---------------------------------|-------------------|
| <b>Respondent</b>               | Alstom Power Inc. |
| <b>Reg. Ent. Ref. No.</b>       | RN105768121       |
| <b>Facility/Site Region</b>     | 12-Houston        |
| <b>Major/Minor Source</b>       | Minor             |

| CASE INFORMATION                       |                    |
|--|--------------------|
| <b>Enf./Case ID No.</b>                | 41753              |
| <b>Docket No.</b>                      | 2011-0871-AIR-E    |
| <b>Media Program(s)</b>                | Air                |
| <b>Multi-Media</b>                     |                    |
| <b>No. of Violations</b>               | 1                  |
| <b>Order Type</b>                      | 1660               |
| <b>Government/Non-Profit</b>           | No                 |
| <b>Enf. Coordinator</b>                | Allison Fischer    |
| <b>EC's Team</b>                       | Enforcement Team 4 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0                |
| <b>Maximum</b>                         | \$10,000           |

| Penalty Calculation Section  |  |                                   |                   |
|--|--|-----------------------------------|-------------------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>  |  | <b>Subtotal 1</b>                 | \$4,000           |
| <b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>   |  |                                   |                   |
| Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.     |  |                                   |                   |
| <b>Compliance History</b>  | 0.0% Enhancement                                       | <b>Subtotals 2, 3, &amp; 7</b>    | \$0               |
| Notes  | No adjustment for compliance history.                  |                                   |                   |
| <b>Culpability</b>   | 0.0% Enhancement                                       | <b>Subtotal 4</b>                 | \$0               |
| Notes  | The Respondent does not meet the culpability criteria. |                                   |                   |
| <b>Good Faith Effort to Comply Total Adjustments</b>   |  | <b>Subtotal 5</b>                 | \$400             |
| <b>Economic Benefit</b>  | 0.0% Enhancement*                                      | <b>Subtotal 6</b>                 | \$0               |
| Total EB Amounts   | \$274  | *Capped at the Total EB \$ Amount |                   |
| Approx. Cost of Compliance   | \$5,000  |                                   |                   |
| <b>SUM OF SUBTOTALS 1-7</b>  |  | <b>Final Subtotal</b>             | \$3,600           |
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>  |  | 0.0%                              | <b>Adjustment</b> |
| Reduces or enhances the Final Subtotal by the indicated percentage.  |  |                                   |                   |
| Notes  |  |                                   |                   |
|  |  | <b>Final Penalty Amount</b>       | \$3,600           |
| <b>STATUTORY LIMIT ADJUSTMENT</b>  |  | <b>Final Assessed Penalty</b>     | \$3,600           |
| <b>DEFERRAL</b>  |  | 20.0% Reduction                   | <b>Adjustment</b> |
| Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) |  |                                   |                   |
| Notes  | Deferral offered for expedited settlement.             |                                   |                   |
| <b>PAYABLE PENALTY</b>   |  | \$2,880                           |                   |

Screening Date 31-May-2011

Docket No. 2011-0871-AIR-E

PCW

Respondent Alstom Power Inc.

Policy Revision 2 (September 2002)

Case ID No. 41753

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105768121

Media [Statute] Air

Enf. Coordinator Allison Fischer

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 0                 | 0%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 31-May-2011

Docket No. 2011-0871-AIR-E

PCW

Respondent Alstom Power Inc.

Policy Revision 2 (September 2002)

Case ID No. 41753

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105768121

Media [Statute] Air

Enf. Coordinator Allison Fischer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health &amp; Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description

Failed to obtain permit authorization for a source of air emissions or satisfy the conditions of a Permit By Rule prior to the commencement of operations of a facility which emits air contaminants. Specifically, the Respondent operated a metal coating facility without authorization.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               | x     |          |       |

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 4

364 Number of violation days

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$4,000

Four quarterly events are recommended based on the first date of ownership (June 1, 2010) through the date of case screening (May 31, 2011).

## Good Faith Efforts to Comply

10.0% Reduction

\$400

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent returned to compliance on July 6, 2011 and the Notice of Enforcement is dated May 18, 2011.

Violation Subtotal \$3,600

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$274

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

# Economic Benefit Worksheet

**Respondent** Alstom Power Inc.  
**Case ID No.** 41753  
**Reg. Ent. Reference No.** RN105768121  
**Media** Air  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |         |            |            |      |       |     |       |
|--------------------------|---------|------------|------------|------|-------|-----|-------|
| Equipment                |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Engineering/construction |         |            |            | 0.00 | \$0   | \$0 | \$0   |
| Land                     |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Record Keeping System    |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Training/Sampling        |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |            |            | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             | \$5,000 | 1-Jun-2010 | 6-Jul-2011 | 1.10 | \$274 | n/a | \$274 |
| Other (as needed)        |         |            |            | 0.00 | \$0   | n/a | \$0   |

Notes for DELAYED costs

Estimated costs for obtaining proper permit authorization for the Site. The date required is the date the Respondent purchased the Site and the final date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$274

## Compliance History

|   |  |   |                       |
|---|--|---|-----------------------|
| Customer/Respondent/Owner-Operator:   | CN600563134 Alstom Power Inc.                                    | Classification:<br>AVERAGE                    | Rating: 3.01          |
| Regulated Entity:   | RN105768121 AMSTAR ZAKA ROAD FACILITY                            | Classification:                               | Site Rating:          |
| ID Number(s):   | INDUSTRIAL AND HAZARDOUS WASTE<br>INDUSTRIAL AND HAZARDOUS WASTE | EPA ID<br>SOLID WASTE REGISTRATION #<br>(SWR) | TXR000079833<br>88851 |
| Location:   | 9404 ZAKA ROAD, HOUSTON, TEXAS, 77064                            |   |                       |
| TCEQ Region:  | REGION 12 - HOUSTON  |   |                       |
| Date Compliance History Prepared:   | May 31, 2011   |   |                       |
| Agency Decision Requiring Compliance History:   | Enforcement  |   |                       |
| Compliance Period:  | May 31, 2006 to May 31, 2011                                     |   |                       |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History |  |   |                       |
| Name:   | Allison Fischer  | Phone:  | (512) 239 - 2574      |

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWNOPR Alstom Power Inc.
4. If Yes, who was/were the prior owner(s)/operator(s)? OWNOPR AMSTAR SURFACE TECHNOLOGY LTD
5. When did the change(s) in owner or operator occur? 06/01/2010 OWNOPR AMSTAR SURFACE TECHNOLOGY LTD
- 6.

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 05/18/2011 (913681)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ALSTOM POWER INC.  
RN105768121**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-0871-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alstom Power Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a metal coating facility at 9404 Zaka Road in Houston, Harris County, Texas (the "Site").
2. The Site consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 23, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Six Hundred Dollars (\$3,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred Eighty

Dollars (\$2,880) of the administrative penalty and Seven Hundred Twenty Dollars (\$720) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on July 6, 2011, the Respondent obtained Permit By Rule registration number 96751 to authorize emissions at the Site.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Site, the Respondent is alleged to have failed to obtain permit authorization for a source of air emissions or satisfy the conditions of a Permit By Rule prior to the commencement of operations of a facility which emits air contaminants, violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on April 19, 2011. Specifically, the Respondent operated a metal coating facility without authorization.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Alstom Power Inc., Docket No. 2011-0871-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

D. V. O. for R. Hyde  
For the Executive Director

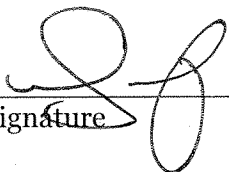
10-26-11  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

9/6/11  
Date

Michael Seitz  
Name (Printed or typed)  
Authorized Representative of  
Alstom Power Inc.

Business Unit Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.